

TULSA COUNTY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 508

Tuesday, June 21, 2022, 1:30 p.m.
Williams Tower 1
1 West 3rd Street, St. Francis Room
Tulsa, Oklahoma

Members Present

Charney, Chair
Hutchinson, V. Chair
Dunkerley
Tisdale

Members Absent

Hicks

Staff Present

S. Miller
R. Jones
J. Hoyt
S. Tauber

Others Present

K. Edenborough,
County Inspections

The notice and agenda of said meeting were posted at the County Clerk's office, County Administration Building, 15th of June at 2:17 pm, as well as in the Office of INCOG, 2 West Second Street, Suite 800.

After declaring a quorum present, Chair Charney called the meeting to order at 1:30 p.m.

Mr. Charney explained to the applicants and interested parties that there were only four board members present. He explained that if there happened to be only four board members, it would be necessary to receive an affirmative vote from three board members to constitute a majority and if two board members vote no today, the application fails. Mr. Charney asked if anyone would like to continue their case and if they understood. Everybody nodded in understanding, and no one requested a continuance.

Mr. Hoyt read the rules and procedures for the Board of Adjustment Public Hearing.

MINUTES

On **MOTION** of **Hutchinson**, the Board voted 4-0-0 (Charney, Dunkerley, Hutchinson, Dunkerley, Tisdale all "aye"; no "nays"; no "abstains") to **APPROVE** the Minutes of May 31, 2022 (Special Meeting No. 507).

UNFINISHED BUSINESS

2951 - Rigoberto Gomez

Action Requested:

Special Exception to allow for a rodeo facility (Use Unit 20) in an AG District (Section 310); and a Variance from all-weather parking surface requirement (Section 1340.D)

LOCATION: 11201 North 41st Avenue East

Presentation:

Neither Mr. Gomez nor any representative were present.

Interested Parties:

No interested parties were present

Board Action:

On **MOTION** by Hutchinson the Board voted 4-0-0 (Charney, Dunkerley, Hutchinson Tisdale "ayes", no "nays", no "abstention") to **DENY**, the request for a Special Exception to allow for a rodeo facility (Use Unit 20) in an AG District (Section 310); and a Variance from all-weather parking surface requirement (Section 1340.D), due to the applicant failure to prosecute and failure to appear; for the following property:

W/2 SE NW LESS N396 & S768 E200 E/2 SE NW & S509 W427 E627 E/2 E/2 NW & W33 S377 E/2 SE NW SEC 9 21 13 15.197ACS; S244 N811 E427 W460 E/2 SE NW SEC 9 21 132.392ACS, Tulsa County, State of Oklahoma

NEW APPLICATIONS

2969 – Clint Denney

Variance to permit a detached accessory building to exceed 750 square feet in the RE district. (Section 240)

LOCATION: 5163 East 94th Street North

Presentation:

Clint Denney, 5163 East 94th Street S., Sperry, OK 74073, stated that he would like to put in a garage in the backyard to encompass a workshop, vehicle storage, and building materials with toilet facilities, showers, utilities, and to accommodate the swimming pool we are putting in.

Mr. Charney asked if there would be any commercial uses or aspects. Mr. Denney replied that this is for personal use only.

Mr. Denney stated that it will be designed like the house.

Ms. Jones stated that this is in an RE District and he does not need a Variance since it is not a RS District. The RE District does not have a size restriction on accessory buildings.

Mr. Charney stated that it is a 2,400 square foot building that is allowed as a matter of right because it is in an RE District.

Staff let the Board know that given the residential designation in this area the applicant is entitled by right to build a 2,400 square foot building, honoring the setback pursuant to the drawing.

Interesting Parties:

There were no interested parties present.

Comments and Questions:

None

The application is deemed approved simply because there is no need for a Special Exception or Variance because of the underlying RE designation; for the following property:

BEG 845.37E & 440.40S NWC NW TH E172.69 S415.38 W172.69 N415.38 POB SEC 22 21 13 1.647ACS, Tulsa County, State of Oklahoma

2970 – Watkins’ Sand Company

Special Exception to permit Use Unit 24, Mining and Mineral Processing, for the continued use of a mining and mineral processing business (Section 1224) in an AG district (Sec. 310, Table 1).

LOCATION: East of the southeast corner of East 141st Street South and South 129th East Avenue

Presentation:

Chet Hiatt (Triad Environmental Services), P.O. Box 1507, Pittsburg, Kansas 66762, stated he was requesting to extend the ability for Watkins’ Sand to mine sand in the area that is outlined in yellow on the exhibit. He explained that the area in orange is an active mining area and that the screening and stockpiling is done to the west. He said the area under ODOM is the eastern area and both orange areas are permitted by the Department of Mines. He would like to have an exemption until at least to the year 2051 to match the time frame of the mining permit.

Mr. Hutchinson asked what type of noises the track hoes make and how many are operating at a time. Mr. Hiatt stated that his understanding was that there was only one and it is heavy equipment, so it does have some noise. Watkins’ Sand operates from 7 to 5, no holidays, and no weekends, so any noise that was heard beyond those time frames was not Watkins’ Sand. They have never used explosives which is always a common question from the public and they will not use them in the future. The screening process makes some noise as do the trucks that are loading and backing up.

Adrian Watkins, 9627 East 188th Place South, Bixby, OK 74008 ours are all self-contained, portable, sand plants. They are down in a deep hole and behind trees. There is only one engine that runs, and it is a separator for a dry plant, and it makes mason sand. It is just a 3- or 4-cylinder engine it does the hydraulics and vibration of the screens, and it is all dry. We open at 7:00 AM, the trucks start coming in and we load them with mason sand. We opened in 2001 and we have been getting 5 year permits since 2017. The nearest homes are within half a mile.

Interested parties:

Tom Sell 13291 E. 137th St. S, Broken Arrow, OK, stated that they are hearing heavy diesel engine noise and constant backup alarms on trucks and that the truck traffic has increased over time. He said the trees on the map do not provide any protection and that the noise is very loud

Drue Smallwood, 13515 E. 137th South, Broken Arrow, OK, stated that he had the same points that Mr. Sell had, but he also wanted the Board to know that they hear the grinding or noise that comes from that screening process at all hours of the night.

Rebuttal:

Mr. Charney asked if Watkins' Sand ever had operations going on after 5:00 pm or could be there be other activities that someone else is doing during that time.

Mr. Watkins replied that they do not operate anything after 5:00 pm and that there is a sod farm adjacent to the west across 129th Street.

Comments and Questions:

Mr. Hutchison stated that he could support it and wants to keep it at a 5 years' time limit.

Mr. Charney stated that Watkins' Sand has been there a long time and would like to encourage them to find creative ways to reduce the noise.

Board Action:

On **MOTION** of **CHARNEY**, the Board voted 4-0-0 (Charney, Dunkerley, Hutchinson, Tisdale all "ayes", no "nays", no abstentions) to **APPROVE** a Special Exception to permit Use Unit 24, Mining and Mineral Processing, for the continued use of a mining and mineral processing business (Section 1224) in an AG district (Sec. 310, Table 1), the finding that it is not inconsistent with the surrounding area and is not injurious to the surrounding neighborhood. Subject to the following conditions

1. No blasting
2. No motorized activity north of Haikey Creek
3. Hours of operation will continue to be 7:00 am – 5:00 pm, Monday – Friday.
4. No weekends or holidays.
5. 5-year time limit (2027).

For property located:

E/2 E/2 E/2 NE NW & E 10.91 A LOT 2 SEC 16-17-14; LT-1-SEC-16-17-14; S1/2 SW SE & NE SW SE & E1/2 NW SW SE SEC. 9-17-14; BEG SWC N/2 N/2 SE SE TH S TO MEANDER LINE TH NE TO SL N/2 N/2 SE SE TH W POB SEC 9 17 14 2.275AC, Tulsa County, State of Oklahoma.

2971 – Jonathan McAuley

Modification to a previously approved site plan (CBOA-2934) to add a garage in the AG district (Section 1205).

LOCATION: 200 West 46th Street North

Presentation:

Jonathan McAuley, 200 West 46th Street North, Tulsa, OK 74126, stated that they are building a vehicle barn so that they can enclose their vehicles because they have been experiencing a lot of vandalism. This garage will be 80 x 40.

Jerrod Jones, 9520 N. 160th Road, Beggs, OK 74421, stated that the height of the building is 16 foot tall, and it does not exceed the height of the Dream Center. It will be in the back of the property, so it will not be visible to the road. The garage doors face the north, so it will be easily accessible from where they pull in. It looks very comparable to the existing structure.

BOARD ACTION:

On **MOTION** by **Tisdale**, the Board voted 4-0-0 (Charney, Dunkerley, Hutchinson, Tisdale all “ayes”, no “nays”, no “abstentions”) to **APPROVE** the Modification to a previously approved site plan (CBOA-2934) to add a garage in the AG district (section 1205) subject to the Conceptual Plans shown on pages 5.7 through 5.11 of the agenda packet.

Finding the proposed modification is compatible with and non-injurious to the surrounding area and meets the previously granted Board relief or meets the zoning requirements, per code; for the property located:

LT 1 BLK 1, TULSA DREAM CENTER, Tulsa County, State of Oklahoma

2973 – Casey Flickinger

Variance of the minimum lot width requirement from 150 feet to permit a lot split in an AG district. (Section 330 Table 3).

LOCATION: 1739 East 181st Street South, Tulsa, OK

Presentation:

Casey Flickinger, 13010 S. 126th E. Ave, Broken Arrow, OK, stated that they are purchasing a piece of property that they want to split with a flagpole design so they can build a house for his mother. They are at 120 feet for the width and the requirement is 150 feet. Each of the lots will have frontage up against the publicly dedicated street. One will be 70- feet in width and the other will be 150-feet in width. There is already electric and gas for each place.

Interested Parties:

There were no interested parties present.

Comments and Questions:

None

Board Action:

On **MOTION** of **Charney** the Board voted 4-0-0 (Charney, Dunkerley, Hutchinson, Tisdale all “ayes”, no “nays”, no “abstentions”) to **APPROVE** the Variance of the minimum lot width requirement from 150 feet to permit a lot split in an AG district. (Section 330 Table 3) subject to the condition that there will be no further splitting of the lot and subject to the Conceptional Plans 6.6 and 6.7 of the agenda packet, the Board has found the hardship to be the nature of the 7-acre tract which is very long and skinny, and that it would allow room for the two households with significant frontage; for the following property:

E/2 SE SW LESS E13.33AC THEREOF SEC 31 17 13 6.67AC, Tulsa County, State of Oklahoma

2974 – Sarah Townsend

Special Exception to permit a single-wide mobile home in an AG-R District (Section 310); Variance to permit two dwelling units on a single lot of record I the AG-R district (Section 208).

LOCATION: 10316 East 120th Street North

Presentation:

Sarah Townsend, 10316 East 120th Street North, Collinsville, OK, stated that they would like to put a single-wide mobile home on her mother’s property towards the rear of her lot. They have electric and a water system will be installed soon. She stated that they have a letter of acceptance from the neighbor to the west.

Interested Parties:

No interested parties were present.

Mr. Wilkerson stated that the city would not be able to process a lot split without further action from the Board with this configuration because there is no frontage to a public street. They would have to ask for a Variance for an access easement.

Teresa Tosh stated that she could not have the runners inspected until after she has a permit. Ms. Townsend needs to postpone the rest of the work until after she has a permit.

Rebuttal:

Ms. Townsend explained that they are only seeking the Special Exception and Variance at today’s meeting. She will apply for a lot split later.

Board Action:

On **MOTION** of **HUTCHINSON**, the Board voted 4-0-0 (Charney, Dunkerley, Hutchinson, Tisdale all “ayes”, no “nays”, no “abstentions”) to **APPROVE** the Special Exception to permit a single-wide mobile home in an AG-R District (section 310) and **APPROVE** the Variance to permit two dwellings units on a single lot of record in the AG-R district per the Conceptual Plan 7.9, in the agenda packet, with the following conditions, they are to follow all DEQ requirements and parking is to be on an all-weather surface. The Board finds the Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. Finding by reason of extraordinary or exceptional conditions or circumstances which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the property located at:

**TR IN S/2 N/2 SW W OF RR LESS W1936 LESS N25 THEREOF SEC 6 21 14
2.53ACS, Tulsa County, State of Oklahoma.**

2975 – Susan Christensen

Use Variance to allow outdoor storage of boats and recreational vehicles (Use Unit 23; Storage, Not Elsewhere Classified) in an AG district (Section 1223); and a Variance from the all-weather parking surface requirement (Section 1340.D),
LOCATION: 7530 West 41st Street South

Presentation:

Susan Christensen, 7530 West 41st Street South, Sand Springs, OK, 74107 stated that she is requesting to put in parking area for boat and RV storage. She explained that the lot is surrounded by the Army National Guard one side and a storage facility on the other side. They have an easement from 41st Street that is owned by the National Guard, but in the easement, it is provided for means of access with ingress and egress to and from the proposed tract for the use and benefit of present owners, mortgagees, or any future owners and other respective lessees, employees, contractors, customers, tenants, licensees, and invitees. They plan to put in gravel parking for the water drainage. The trailer house and there is a 20-foot x 30-foot shop will be removed. There is a man-made pond and a lagoon on the property. The lagoon will be filled in and we will move the man-made pond to make a ditch adjacent to fencing on the inside of the property. The storm water flows toward the north.

Interested Parties:

No other interested parties present.

Comments and Questions:

Mr. Charney stated that there should be thought about if there should be all weather parking. Gravel would be more porous and less run-off to the neighbors, otherwise there would have to be a detention facility. No plat is indicated because there is no structure to be built.

Board Action:

On **MOTION** of **CHARNEY** the Board voted 4-0-0 (Charney, Dunkerley, Hutchinson, Tisdale all “ayes”, no “nays”, no “abstentions”) to **APPROVE** the Use Variance to allow outdoor storage of boats and recreational vehicles (Use Unit 23; Storage, Not Elsewhere Classified) in an AG district (Section 1223), the Board voted 4-0-0 (Charney, Dunkerley, Hutchinson, Tisdale all “ayes”, no “nays”, no “abstentions”) and to **Continue** until July 19, 2022,); and a Variance from the all-weather parking surface requirement (Section 1340.D), to give the applicant to provide time a prepared engineering report on drainage and paving for the property located at:

S/2 W/2 W/2 NE NW SEC 30 19 12 5AC, Tulsa County, State of Oklahoma

2976 – Billy Driver

Variance of the street frontage requirements in an AG district from 30' to 0' (Section 207). Variance of the minimum lot width requirement from 150 ft to permit a lot split in an AG district Tract 2 (Section 330 Table 3)

LOCATION: 13455 East 66th Street North (**Request for continuance to 7/19/22**)

Board Action:

On **MOTION** of **Charney**, the board voted 4-0-0 (Hutchinson, Dunkerley, Charney, Tisdale all “ayes”, no “nays”, no “abstentions”) for a **CONTINUANCE** to July 19, 2022, for a Variance of the street frontage requirements in an AG district from 30-foot to 0-foot and a Variance of the minimum lot width requirement from 150-feet to permit a lot split in an AG district Tract 2.

SW NE SW & S35 W35 SE NE SW & W35 E/2 SE SW LESS S50 THEREOF FOR RD SEC 33 21 14 11.049ACS, MINGO HOLINESS ASSEMBLY OF GOD CHURCH, Tulsa County, State of Oklahoma

DRAFT

2977 – Barrick Rosenbaum

Variance of the minimum frontage requirement on a public street or dedicated right-of-way from 30 feet to 0 feet to allow construction on a home (Section 207).

LOCATION: 13045 North Peoria Avenue

Presentation:

Barrick Rosenbaum, 4016 South Yellowwood Ave., Broken Arrow, OK 74011, stated that he is requesting a Variance of the 30-feet to 0-feet of frontage on the property he and his wife purchased. The Title Attorney said they have a 30-foot road easement on their west side of their property along the Chavez property and they own 30-feet over to access the center line of Peoria. On Peoria, there is a statutory right-of-way going south to the improved Tulsa County section.

Mr. Charney asked Mr. Rosenbaum if he was representing to the Board that there is documentation to piece together that provides legal ingress and egress to a publicly dedicated roadway.

Mr. Rosenbaum stated that when they purchased the property through title that was explained to him, and it is correct to his understanding.

Mr. Charney stated that the reason they are seeking this Variance from 30-feet to 0-feet was because of the unusual location of your property off a publicly dedicated road. Mr. Charney asked Mr. Rosenbaum if in lieu of that frontage, is he stating that there is access to the publicly dedicated road through a series of instruments. Mr. Rosenbaum stated that this was correct.

Interested Parties:

George McCreary, 1149 East 126th St. North, Skiatook, OK 74070, stated that he is the joint landowner of the property to the west of Mr. Rosenbaum. He explained that his family hired a surveyor to survey the section line. They found that some of the section line roadway is correct, however, where Mr. Rosenbaum continued up and of the section line is not where his contractor put the road. He said the contractor put it on his land, which is to the west.

Mr. Charney stated that he wanted to focus on the legal posture of what we are here for today and what we can do. He suggested that the neighbor get with neighbor, put all of this together, study it, and determine where the ingress and egress truly lie based on documents and where there are mistakes if any. The Board's general inquiry stops at the assertion by the applicant that there is a series of documents that give access pursuant to it.

Patricia McCreary, 1081 East 126th St. North, Skiatook, OK 74070, stated that she is one of the joint landowners of the property to the west of Mr. Rosenbaum. She believes that problem is that Peoria curves and goes on northwest and that area has been

completely inaccessible. Mr. Rosenbaum purchased this acreage that is not along this section line.

Mr. Wilkerson stated that from the staff perspective on the statutory right-of-way that it was established by federal government long before the United States was here. The whole purpose of that statutory right-of-way was to allow ingress and egress into those internal parcels from Indian Allotment.

Mr. Charney stated that if the Board approves this request, they recognize his 17.8 acres does not touch a publicly dedicated roadway. They would be making the assertion that he has documents that get him to a publicly dedicated roadway properly executed and in existence and filed to record. If there is some error in those documents, then that can be decided through proper legal channels.

Rebuttal:

Mr. Rosenbaum stated that when they purchased the property, they knew that it had an access issue. They went through a Title Attorney, the seller's attorney, and a survey was done to show legal access. He stated that the proper documented are already filed of record. We would be happy to get with the McCleary's, the surveyor, or attorney is to get everything worked out.

Board Action:

On **MOTION** of **CHARNEY**, the Board voted 4-0-0 (Charney, Dunkerley, Hutchinson, Tisdale all "ayes", no "nays", no "abstentions") to **APPROVE** the Variance of the minimum frontage requirement on a public street or dedicated right-of-way from 30-feet to 0-feet to allow construction on a home (Section 207) with the condition that the legal ingress and egress to the publicly dedicated road be properly filed on record through proper instruments of record at Tulsa County Land Records, one condition that there be no further division of the subject tract. The Board finds the hardship to be the unique location of the land; finding by reason of extraordinary or exceptional conditions or circumstances which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the property located at:

E/2 SW NW OR E/2 GOV LT 2 SEC 31 22 13 17.8AC, Tulsa County, State of Oklahoma.

2978 – Vadim Balev

Variance of the minimum land area per dwelling unit requirement from 2.1 acres and the minimum lot area requirement from 2 acres in an AG district; and a Variance of the rear and side setbacks in an AG district to permit a lot split (Section 330).

LOCATION: 1406 East 163rd Place South

Presentation:

Vadim Balev, 1406 East 163rd Place South, Bixby, OK, stated that he is requesting to split the lot as shown on the map. The current lot is 2.69 acres, and he would like to split it for a future house for his mother. The proposed lot split would be split into a one-acre tract and the other will be 1.69 acres tract. Both lots will have frontage on 163 Place South.

Interested Parties:

Mr. Charney wanted Mr. Balev to know, based on correspondence received by the Board, that his stated that Mr. Balev's neighbors are concerned with the way he has cut the property and that he is living out of state and just coming here to settle an estate.

Mr. Balev stated that his father recently passed away and he is trying to clean up his father's estate. He explained that he is flying in from out of state and my mother wants to sell the and build a smaller house on the adjacent land. They are trying to clean everything up because his dad collected a lot of stuff.

Mr. Hutchinson stated that he had read the emails and agrees that it needs to be cleaned up. He asked if there is a way to make sure it is cleaned up.

Mr. Balev stated that they have had five dumpsters so far and are just throwing stuff away.

Mr. Charney asked staff if there was an equivalent of a review date to double check how things are going.

Mr. Wilkerson stated the Board is the final decision maker. An alternative is to continue the case until a later date then have him come back to show that it has been cleaned up. The Board can then vote on the request.

Mr. Hutchinson asked Mr. Balev how long it would take him to clean the lot.

Mr. Balev stated that they had been cleaning and remodeling for the past 4 or 5 months and it would not be that much longer.

Mr. Dunkerley asked if the applicant would be able to send photographs by email since returning at a later date was not possible. Mr. Balev stated that he could do that.

Mr. Charney stated that the Board could continue it without the applicant present since they have heard his testimony and if he would send the photographs with a statement saying and showing that he had cleaned it up.

Mr. Balev agreed that he could do that.

Board Action:

On **MOTION** of **CHARNEY**, the Board voted 4-0-0 (Charney, Dunkerley, Hutchinson, Tisdale all “ayes”, no “nays”, no “abstention”, Hicks “absent”) to grant a **CONTINUANCE** until August 16, 2022, understanding that the applicant may not be able to be present at that time, but the Board is asking him to submit both a statement as to what clean-up has occurred and submitting photographs showing what has occurred. The Board recognizes that the applicant has given his testimony about the Variance of the minimum and are per dwelling unit requirement of 2.1 acres and the minimum lot are requirement from 2 acres in an AG district; and a Variance of the rear and side setbacks in an AG district to permit a lot split; on the property located at:

**LT 1 LESS S277.20 THEREOF BLK 2, FAULKENBERRY ESTATES, Tulsa County,
State of Oklahoma**

2979 – Nathalie Cornett

Use Variance to permit Medical Marijuana Processing in the AG District

Location: 7209 West 56th Street South, Tulsa, OK

Presentation:

Nathalie Cornett, 2727 East 21st Street, Suite 200, Tulsa, OK, stated that they are requesting for a Use Variance to permit a small Medical Marijuana Processing operation in an AG District on a 20-acre tract, and it has been owned by the Mulcare family for about 30 years. The applicant, Matt Mulcare, currently resides on the property to the south which is owned by his grandmother. Currently on the property there is a 5,000 square foot metal barn and the proposed processing use would be in 375 square feet of that existing barn. The first photo is the partitioned area where the processing would take place. It will be enclosed all the way around. The next photo is of the processing equipment. The processing is water based. They obtain fresh frozen flowers, and they are frozen until they go through their specialized washing machine, then they are sifted and then the flowers are freeze dried until they are ready to be transported to a retailer. Matt has one other employee. They can do a 5-hour batch a day. There is no odor associated with it. They pickup product from their grower two to three times a month. They have a sprinter van shown in one of the photos.

Mr. Charney asked what is a reasonable constraint that you could give us to make certain that they are not they are not going to expand.

Ms. Cornett stated that the current request is a 375-square foot area but moving up to a 500-square foot would be acceptable. She stated that the washing machines sit on a tabletop, and they weigh twenty-six pounds.

Matt Mulcar, 7209 West 56th Street, Tulsa, OK 74107, stated that the process is technically called bubble hack and turns the flower into a waxy consistency, and it must stay cold, so it does not separate. Then it is put into little pucks for retail sale. It is a vape product. There is not much noise to the process at all.

Interested Parties:

Mr. Charney asked what is a reasonable constraint that you could give us to make certain that they are not they are not going to expand.

Ms. Cornett stated that the current request is a 375-square foot area but moving up to a 500-square foot would be acceptable. She stated that the washing machines sit on a tabletop, and they weigh twenty-six pounds.

Comments and Questions:

Mr. Charney asked what is a reasonable constraint that you could give us to make certain that they are not they are not going to expand.

Ms. Cornett stated that the current request is a 375-square foot area but moving up to a 500-square foot would be acceptable. She stated that the washing machines sit on a tabletop, and they weigh twenty-six pounds.

Board Action:

On **MOTION** of **HUTCHINSON**, the Board voted 4-0-0 (Charney, Dunkerley, Hutchinson, Tisdale all “ayes”, no “nays”, no “abstentions” Hicks “absent”) to **APPROVE** the Use Variance to permit Medical Marijuana Processing in the AG District, finding the hardship to be that they are limiting the request to 500-square feet located within the barn that sets on a 20-acre tract.

Finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following property:

S/2 SW NE & N30 W730 E1360 N/2 SE SEC 31 19 12 20.503ACS, NORTH TANEHA, Tulsa County, State of Oklahoma.

There being no further business, the meeting adjourned at 4:30 p.m.

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OTHER BUSINESS

None.

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NEW BUSINESS

None.

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BOARD COMMENTS

None.

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Chair

Date approved

DRAFT